

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA**

Sherry Worthy, )  
                    )  
Plaintiff,       )                          Civil Action No. 4:13-51-RMG  
                    )  
vs.                )  
Carolyn W. Colvin, Acting Commissioner )  
of Social Security,       )                          **ORDER**  
                    )  
Defendant.        )  
                    )  
\_\_\_\_\_  
                    )

This matter comes before the Court for judicial review of the final decision of the Commissioner of Social Security denying Plaintiff's application for Disability Insurance Benefits ("DIB"). In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to the United States Magistrate Judge for pretrial handling. The Magistrate Judge issued a Report and Recommendation on July 30, 2014 recommending that the decision of the Commissioner be reversed and remanded to the agency because of the failure of a fact finder to weigh and reconcile new and material evidence submitted by Plaintiff to the Appeals Council as mandated by *Meyer v. Astrue*, 662 F.3d 700 (4th Cir. 2011). (Dkt. No. 18). The Commissioner has filed a response to the Magistrate Judge's Report and Recommendation indicating that she will file no objections. (Dkt. No. 19). The Court has reviewed the Report and Recommendation and the record evidence and finds that the Magistrate Judge has ably addressed the factual and legal issues in this matter. Therefore, the Court **ADOPTS** the Report and Recommendation as the order of this Court, **REVERSES** the decision of the Commissioner pursuant to Sentence

Four of 42 U.S.C. § 405(g), and **REMANDS** the matter to the Commissioner for further proceedings consistent with this order.

AND IT IS SO ORDERED.



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Richard Mark Gergel  
United States District Judge

Charleston, South Carolina  
August 5, 2014